

REMARKS/ARGUMENTS

Prior to entry of this Amendment, the application included claims 1-5 and 8-19. Claims 1 and 13 have been amended and claims 9 and 17-19 have been canceled. No claims have been added. Hence, after entry of this Amendment, claims 1-5, 7, 8 and 10-16 stand pending for examination.

Claims 1-5 and 8-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the cited portions of U.S. Patent Publication No. 2002/0091573 to Hodes (“Hodes”) in view of the cited portions of U.S. Patent No. 6,829,596 to Frazee (“Frazee”).

Claim 1 has been amended to include subject matter from claim 9, which has been canceled. Claim 13 has been amended to include similar subject matter. No new matter has been added.

Rejections Under 35 U.S.C. § 103(a)

Without acquiescing to the propriety of the pending rejections, the Applicants have amended claims 1 and 13 to conclusively avoid the teachings of the cited references. The cited references do not teach or suggest “returning an identifier that is unique to a particular customer” for accessing TRU-based services. Hodes appears to teach activating cards and does not address returning a unique identifier for the customer. Frazee also does not teach or suggest this. Hence, all pending claims are believed to be allowable, at least for the foregoing reason.

Moreover, the Applicants respectfully traverse the rejection because the Office Action has not shown that the alleged motivation existed at the time of the Applicants’ invention. The record includes only an unsupported assertion of a motivation. The existence of the motivation at the time of the Applicants’ invention appears to be based on facts within the personal knowledge of the Examiner. Hence, the Applicants respectfully request an affidavit in compliance with 37 CFR § 1.104(d)(2). In the absence of this, the Applicants maintain that all pending claims are allowable.

Conclusion

In view of the foregoing, the Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,

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/Irvin E. Branch/

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